

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ETHELENE JONES,

Plaintiff,

vs.

No. 17-2575-JPM-dkv

REI-NATION LLC, ET AL.,

Defendants.

REPORT AND RECOMMENDATION FOR *SUA SPONTE* DISMISSAL FOR FAILURE
TO PROPERLY COMPLETE *IN FORMA PAUPERIS* APPLICATION

By order dated August 11, 2017, the plaintiff, Ethelene Jones ("Jones"), proceeding *pro se*, was ordered "to submit, within thirty (30) days after the date of this order, either the \$400 civil filing fee or a properly completed application to proceed *in forma pauperis*." (Order, ECF No. 6.) Jones was warned that failure to comply with the order in a timely manner will result in dismissal of this action without further notice, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. (*Id.* at 2.)

On August 14, 2017, the order and the *in forma pauperis* application was mailed to the address provided by Jones on her complaint: 3296 Alta, Memphis, TN 38109.

On September 19, 2017, Jones mailed a Judicial Notice to

Chief Magistrate Judge Diane K. Vescovo where she stated, in pertinent part, that: "I do not work and I do not have any income to declare that I am the caretaker, over my Disable[d] Daughter who receive[s] a Disability Check, and hereby waive[] these fees, but not my rights" (Judicial Notice 3, ECF No. 8.) Jones's Judicial Notice submission does not comply with the court's August 11, 2017 order requiring Jones to submit a properly completed *in forma pauperis* application.

Thus, Jones has failed to submit a proper *in forma pauperis* application in a timely manner because more than thirty days have passed since the court's August 11, 2017 order.¹ Because Jones has failed to comply with the court's August 11, 2017 order, it is recommended that Jones's complaint be dismissed without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

Respectfully submitted this 25th day of September, 2017.

s/Diane K. Vescovo
DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

NOTICE

Within fourteen (14) days after being served with a copy of this report and recommended disposition, a party may serve and

¹In addition, more than thirty days have passed since the August 11, 2017 order and the *in forma pauperis* application were mailed to Jones.

file written objections to the proposed findings and recommendations. A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Failure to file objections within fourteen (14) days may constitute a waiver of objections, exceptions, and further appeal.